

**Permitting & Assistance Branch Staff Report**  
Revised Solid Waste Facilities Permit for the  
Mid Valley Disposal Recycling and Transfer Station  
SWIS No. 10-AA-0201  
February 5, 2014

**Background Information, Analysis, and Findings:**

This report was developed in response to the Fresno County Department of Community Health (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Mid Valley Disposal Recycling and Transfer Station, SWIS No. 10-AA-0201, located in Fresno County. The facility is operated by Mid Valley Disposal, Inc. The property is owned by Kalpakoff Properties, LLC. A copy of the proposed permit is attached. The report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

A proposed permit was received on November 20, 2013, and returned to the LEA after the operator agreed to waive the time frame for 30 days. A new permit was received on February 4, 2013. Action must be taken on this permit no later than April 5, 2014. If no action is taken by April 5, 2014, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

**Proposed Changes**

The following changes to the first page of the permit are being proposed:

	2007 SWFP	Proposed Permit
Permitted Maximum Tonnage	500 Tons/day	1,500 Tons per day
Permitted Maximum Traffic	131 vehicles/day	443 vehicles per day
Permitted Acreage	10 acres MRF	38 acres total: 32.5 acres transfer/processing, 5.5 acres composting
Permitted operations	Materials Recovery Facility	Transfer/Processing Facility (MRF); Composting Facility (MSW/green material/C&G)

Other changes include:

1. Updates to the conditioning documents;
2. Updated permit conditions correcting outdated language.

## **Key Issues**

The proposed permit will allow for the following:

1. Expansion of the permitted facility acreage from 10 to 38 acres;
2. Increase in permitted maximum tonnage from 500 to 1500 tons;
3. Increase in permitted traffic volume from 131 to 443 vehicles;
4. Addition of a compost activity and, in the future, anaerobic digestion.

## **Background:**

The Mid Valley Disposal Recycling and Transfer Station is located at 15300 West Jensen Avenue in the city of Kerman, and currently operates under a full Solid Waste Facilities Permit issued in 2007.

## **Findings:**

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their letter dated January 30, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on February 13, 2012. No proposed changes were noted at that time.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received the proposed Solid Waste Facilities Permit on February 4, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received by CalRecycle on November 20, 2013, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Nondisposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated January 2, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on December 12, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	See compliance history below for details.	
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their letter dated January 30, 2014, that the proposed permit is consistent with and supported by the existing CEQA documentation. See CEQA information below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting (substitute meeting per 21660.4) was held on February 20, 2013. No public comments were received at the meeting. No written comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History:**

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on December 12, 2013, and found the facility is in compliance with applicable state minimum standards and permit conditions.

Based on the LEA's monthly inspection reports, the facility did not receive a violation of state minimum standards or permit terms and conditions during the last 5 years.

### **Environmental Analysis:**

Under California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Kerman Planning and Development Services Department acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include:

1. Expansion of permitted acreage at an existing recycling and transfer station to 38 acres;
2. Increase in permitted tonnage to 1500 tons per day;
3. Increase in vehicle count to 443 vehicles per day;
4. Composting of green waste/food waste;
5. Anaerobic digestion facility.

These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2012121002 was circulated for a 30 day comment period from December 3, 2012, to January 2, 2013. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation, Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring Program, was approved by the Lead Agency on February 20, 2013.

The Fresno County Department of Community Health, acting as Local Enforcement Agency, has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the MND, together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments:**

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA participated in a Public Meeting (substitute meeting per 27 CCR Section 21660.4) held by the Kerman City Council on February 20, 2013, at the City of Kerman Council Chambers. No questions or comments were received at the meeting regarding the proposed project. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting held on December 16, 2013 and January 21, 2014.